

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HARRIS, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

KEVON DEONTIA HARRIS,

Respondent-Appellant.

UNPUBLISHED

December 10, 2013

No. 309686

Wayne Circuit Court

Juvenile Division

LC No. 10-497163-DL

Before: K. F. KELLY, P.J., and MURRAY and RIORDAN, JJ.

PER CURIAM.

Following a bench trial, respondent, Kevon Deontia Harris, was adjudicated responsible for second-degree criminal sexual conduct (CSC II), MCL 750.520c(1)(a), and indecent exposure, MCL 750.335a. The trial judge sentenced respondent to six years' probation. He appeals as of right, challenging the sufficiency of the evidence. We affirm.

I. BASIC FACTS

On the night of July 10, 2010, the nine-year-old complainant and her younger brother spent the night at respondent's mother's house. The complainant, her brother, respondent, and his older brother were at the home, along with respondent's stepfather.¹ The complainant testified that respondent came into the room where she and her brother had been watching TV on the bed, pulled down her pants, and placed his "private" in her "butt" until she told him to stop. Respondent denied the allegations and testified that he had been in the living room watching TV with his brother and only occasionally entered the bedroom to admonish the children not to jump on the bed and to change the station.

¹ Respondent referred to the man as his stepfather, but respondent's mother referred to him as her boyfriend.

Based on this evidence, the trial court adjudicated respondent responsible for CSC II and indecent exposure and sentenced respondent to six months' probation. He now appeals as of right.

II. ANALYSIS

Respondent argues that the evidence was insufficient to support the adjudication. We disagree.

“[W]hen determining whether sufficient evidence has been presented to sustain a conviction, a court must view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt.” *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), mod 441 Mich 1201 (1992).

A person commits CSC II if he, for a sexual purpose, intentionally touches the intimate parts of a victim who is under 13 years of age. MCL 750.520a(e), (q); MCL 750.520c(1)(a). The indecent exposure statute, MCL 750.335a(1) provides: “A person shall not knowingly make any open or indecent exposure of his or her person or of the person of another.”

The prosecution presented sufficient evidence to establish the essential elements of these offenses beyond a reasonable doubt. The prosecution presented the testimony of the complainant, who was ten years old at the time of trial. Respondent's contention that the complainant was not worthy of belief is not a ground on which this Court may reverse his conviction, as we do not second-guess the factfinder. *Wolfe*, 440 Mich at 514-515.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Christopher M. Murray
/s/ Michael J. Riordan